

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 1140**  
**94TH GENERAL ASSEMBLY**

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Reported from the Special Committee on Government Affairs April 17, 2008 with recommendation that House Committee Substitute for Senate Bill No. 1140 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

5114L.02C

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**AN ACT**

To repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two new sections relating to the office of administration, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 33.103 and 37.005, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 33.103 and 37.005, to read as follows:

33.103. 1. Whenever the employees of any state department, division or agency  
2 establish any voluntary retirement plan, or participate in any group hospital service plan, group  
3 life insurance plan, medical service plan or other such plan, or if they are members of an  
4 employee collective bargaining organization, or if they participate in a group plan for uniform  
5 rental, the commissioner of administration may deduct from such employees' compensation  
6 warrants the amount necessary for each employee's participation in the plan or collective  
7 bargaining dues, provided that such dues deductions shall be made only from those individuals  
8 agreeing to such deductions. Before such deductions are made, the person in charge of the  
9 department, division or agency shall file with the commissioner of administration an  
10 authorization showing the names of participating employees, the amount to be deducted from  
11 each such employee's compensation, and the agent authorized to receive the deducted amounts.  
12 The amount deducted shall be paid to the authorized agent in the amount of the total deductions  
13 by a warrant issued as provided by law.

14 2. The commissioner of administration may, in the same manner, deduct from any state  
15 employee's compensation warrant:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (1) Any amount authorized by the employee for the purchase of shares in a state  
17 employees' credit union in Missouri;

18 (2) Any amount authorized by the employee for contribution to a fund resulting from  
19 a united, joint community-wide solicitation or to a fund resulting from a nationwide solicitation  
20 by charities rendering services or otherwise fulfilling charitable purposes if the fund is  
21 administered in a manner requiring public accountability and public participation in policy  
22 decisions;

23 (3) Any amount authorized by the employee for the payment of dues in an employee  
24 association;

25 (4) Any amount determined to be owed by the employee to the state in accordance with  
26 guidelines established by the commissioner of administration which shall include notice to the  
27 employee and an appeal process;

28 (5) Any amount voluntarily assigned by the employee for payment of child support  
29 obligations determined pursuant to chapter 452 or 454, RSMo; [and]

30 (6) Any amount authorized by the employee for contributions to any "qualified state  
31 tuition program" pursuant to Section 529 of the Internal Revenue Code of 1986, as amended,  
32 sponsored by the state of Missouri; **and**

33 **(7) Any amount for cafeteria plan administrative fees under subdivision (4) of**  
34 **subsection 3 of this section.**

35 3. The commissioner of administration may establish a cafeteria plan in accordance with  
36 Section 125 of Title 26 United States Code for state employees. The commissioner of  
37 administration must file a written plan document to be filed in accordance with chapter 536,  
38 RSMo. Employees must be furnished with a summary plan description one hundred twenty days  
39 prior to the effective date of the plan. In connection with such plans, the commissioner may:

40 (1) Include as an option in the plan any employee benefit, otherwise available to state  
41 employees, administered by a statutorily created retirement system;

42 (2) Provide and administer, or select companies on the basis of competitive bids or  
43 proposals to provide or administer, any group insurance, or other plan which may be included  
44 as part of a cafeteria plan, provided such plan is not duplicative of any other plan, otherwise  
45 available to state employees, administered by a statutorily created retirement system;

46 (3) Include as an option in the plan any other product eligible under Section 125 of Title  
47 26 of the United States Code **the selection of which may be solicited by a vendor on site in**  
48 **state facilities**, subject to regulations promulgated by the office of administration, and including  
49 payment to the state by vendors providing those products for the cost of administering those  
50 deductions, as set by the office of administration; and

51 (4) Reduce each [participating] employee's compensation warrant by the amount  
52 necessary for each employee's participation in the cafeteria plan, [provided that such salary

53 reduction shall be made only with respect to those individuals agreeing to such reduction] **except**  
54 **for those individual employees who affirmatively elect not to participate in the cafeteria**  
55 **plan.** No such reduction in salary for the purpose of participation in a cafeteria plan shall have  
56 the effect of reducing the compensation amount used in calculating the state employee's  
57 retirement benefit under a statutorily created retirement system or reducing the compensation  
58 amount used in calculating the state employee's compensation or wages for purposes of any  
59 workers' compensation claim governed by chapter 287, RSMo.

60 4. Employees may authorize deductions as provided in this section in writing or by  
61 electronic enrollment.

37.005. 1. Except as provided herein, the office of administration shall be continued as  
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a  
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The  
4 commissioner of administration shall appoint directors of all major divisions within the office  
5 of administration.

6 2. The commissioner of administration shall be a member of the governmental  
7 emergency fund committee as ex officio comptroller and the director of the department of  
8 revenue shall be a member in place of the chief of the planning and construction division.

9 3. The office of administration is designated the "Missouri State Agency for Surplus  
10 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for  
11 disposal of surplus federal property. All the powers, duties and functions vested by sections  
12 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration  
13 as well as all property and personnel related to the duties. The commissioner shall integrate the  
14 program of disposal of federal surplus property with the processes of disposal of state surplus  
15 property to provide economical and improved service to state and local agencies of government.  
16 The governor shall fix the amount of bond required by section 37.080. All employees  
17 transferred shall be covered by the provisions of chapter 36, RSMo, and the Omnibus State  
18 Reorganization Act of 1974.

19 4. The commissioner of administration shall replace the director of revenue as a member  
20 of the board of fund commissioners and assume all duties and responsibilities assigned to the  
21 director of revenue by sections 33.300 to 33.540, RSMo, relating to duties as a member of the  
22 board and matters relating to bonds and bond coupons.

23 5. All the powers, duties and functions of the administrative services section, section  
24 33.580, RSMo, and others, are transferred by a type I transfer to the office of administration and  
25 the administrative services section is abolished.

26 6. The commissioner of administration shall, in addition to his or her other duties, cause  
27 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
28 and the communications systems of state agencies. Such a plan shall place priority on improved

29 availability of services throughout the state, consolidation of space occupancy and economy in  
30 operations.

31 7. The commissioner of administration shall from time to time examine the space needs  
32 of the agencies of state government and space available and shall, with the approval of the board  
33 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
34 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
35 commissioner that all or part of any property is in excess of the needs of any state agency, the  
36 commissioner may lease such property to a private or government entity. Any revenue received  
37 from the lease of such property shall be deposited into the fund or funds from which moneys for  
38 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
39 the procedures for leasing excess property.

40 8. The commissioner of administration shall make the selection of a personnel director  
41 from the names of the three highest ranking available eligibles as provided in section 36.080,  
42 RSMo. The personnel advisory board, the personnel division and the personnel director in the  
43 office of administration shall retain the functions, duties and powers prescribed in chapter 36,  
44 RSMo. Members of the personnel advisory board shall be nominated by the commissioner of  
45 administration and appointed by the governor with the advice and consent of the senate.

46 9. The commissioner of administration is hereby authorized to coordinate and control  
47 the acquisition and use of electronic data processing (EDP) and automatic data processing (ADP)  
48 in the executive branch of state government. For this purpose, the office of administration will  
49 have authority to:

50 (1) Develop and implement a long-range computer facilities plan for the use of EDP and  
51 ADP in Missouri state government. Such plan may cover, but is not limited to, operational  
52 standards, standards for the establishment, function and management of service centers,  
53 coordination of the data processing education, and planning standards for application  
54 development and implementation;

55 (2) Approve all additions and deletions of EDP and ADP hardware, software, and  
56 support services, and service centers;

57 (3) Establish standards for the development of annual data processing application plans  
58 for each of the service centers. These standards shall include review of post-implementation  
59 audits. These annual plans shall be on file in the office of administration and shall be the basis  
60 for equipment approval requests;

61 (4) Review of all state EDP and ADP applications to assure conformance with the state  
62 information systems plan, and the information systems plans of state agencies and service  
63 centers;

64 (5) Establish procurement procedures for EDP and ADP hardware, software, and support  
65 service;

66 (6) Establish a charging system to be used by all service centers when performing work  
67 for any agency;

68 (7) Establish procedures for the receipt of service center charges and payments for  
69 operation of the service centers. The commissioner shall maintain a complete inventory of all  
70 state-owned or -leased EDP and ADP equipment, and annually submit a report to the general  
71 assembly which shall include starting and ending EDP and ADP costs for the fiscal year  
72 previously ended, and the reasons for major increases or variances between starting and ending  
73 costs. The commissioner shall also adopt, after public hearing, rules and regulations designed  
74 to protect the rights of privacy of the citizens of this state and the confidentiality of information  
75 contained in computer tapes or other storage devices to the maximum extent possible consistent  
76 with the efficient operation of the office of administration and contracting state agencies.

77 10. Except as provided in subsection 13 of this section, the fee title to all real property  
78 now owned or hereafter acquired by the state of Missouri, or any department, division,  
79 commission, board or agency of state government, other than real property owned or possessed  
80 by the state highways and transportation commission, conservation commission, state  
81 department of natural resources, and the University of Missouri, shall on May 2, 1974, vest in  
82 the governor. The governor may not convey or otherwise transfer the title to such real property,  
83 unless such conveyance or transfer is first authorized by an act of the general assembly. The  
84 provisions of this subsection requiring authorization of a conveyance or transfer by an act of the  
85 general assembly shall not, however, apply to the granting or conveyance of an easement to any  
86 rural electric cooperative as defined in chapter 394, RSMo, municipal corporation,  
87 quasi-governmental corporation owning or operating a public utility, or a public utility, except  
88 railroads, as defined in chapter 386, RSMo. The governor, with the approval of the board of  
89 public buildings, may, upon the request of any state department, agency, board or commission  
90 not otherwise being empowered to make its own transfer or conveyance of any land belonging  
91 to the state of Missouri which is under the control and custody of such department, agency,  
92 board or commission, grant or convey without further legislative action, for such consideration  
93 as may be agreed upon, easements across, over, upon or under any such state land to any rural  
94 electric cooperative, as defined in chapter 394, RSMo, municipal corporation, or  
95 quasi-governmental corporation owning or operating a public utility, or a public utility, except  
96 railroad, as defined in chapter 386, RSMo. The easement shall be for the purpose of promoting  
97 the general health, welfare and safety of the public and shall include the right of ingress or egress  
98 for the purpose of constructing, maintaining or removing any pipeline, power line, sewer or other  
99 similar public utility installation or any equipment or appurtenances necessary to the operation  
100 thereof, except that railroad as defined in chapter 386, RSMo, shall not be included in the  
101 provisions of this subsection unless such conveyance or transfer is first authorized by an act of  
102 the general assembly. The easement shall be for such consideration as may be agreed upon by

the parties and approved by the board of public buildings. The attorney general shall approve the form of the instrument of conveyance. The commissioner of administration shall prepare management plans for such properties in the manner set out in subsection 7 of this section.

11. The commissioner of administration shall administer a revolving "Administrative Trust Fund" which shall be established by the state treasurer which shall be funded annually by appropriation and which shall contain moneys transferred or paid to the office of administration in return for goods and services provided by the office of administration to any governmental entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve disbursements from the fund for the purchase of goods or services at the request of the commissioner of administration or the commissioner's designee. The provisions of section 33.080, RSMo, notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent to which the unencumbered balance at the close of any fiscal year exceeds [one-twelfth] **one-eighth** of the total amount appropriated, paid, or transferred to the fund during such fiscal year, **and upon approval of the oversight division of the joint committee on legislative research.** The commissioner shall prepare an annual report of all receipts and expenditures from the fund.

12. All the powers, duties and functions of the department of community affairs relating to statewide planning are transferred by type I transfer to the office of administration.

13. The titles which are vested in the governor by or pursuant to this section to real property assigned to any of the educational institutions referred to in section 174.020, RSMo, on June 15, 1983, are hereby transferred to and vested in the board of regents of the respective educational institutions, and the titles to real property and other interests therein hereafter acquired by or for the use of any such educational institution, notwithstanding provisions of this section, shall vest in the board of regents of the educational institution. The board of regents may not convey or otherwise transfer the title to or other interest in such real property unless the conveyance or transfer is first authorized by an act of the general assembly, except as provided in section 174.042, RSMo, and except that the board of regents may grant easements over, in and under such real property without further legislative action.

14. Notwithstanding any provision of subsection 13 of this section to the contrary, the board of governors of Missouri Western State University, Central Missouri State University, Missouri State University, or Missouri Southern State University; or the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University; or the board of curators of Lincoln University may convey or otherwise transfer, except in fee simple, the title to or other interest in such real property without authorization by an act of the general assembly. The provisions of this subsection shall expire August 28, 2011.

15. All county sports complex authorities, and any sports complex authority located in a city not within a county, in existence on August 13, 1986, and organized under the provisions

140 of sections 64.920 to 64.950, RSMo, are assigned to the office of administration, but such  
141 authorities shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1  
142 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

143 16. All powers, duties, and functions vested in the administrative hearing commission,  
144 sections 621.015 to 621.205, RSMo, and others, are transferred to the office of administration  
145 by a type III transfer.

Section B. Because immediate action is necessary to ensure the effective transfer of state  
2 services, section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.

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Bill

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